

Chapter 19.XX ACCESSORY DWELLING UNITS

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19.XX.010 Purpose.

Accessory dwelling units (ADUs) in single-family residential zones are an important tool in the overall housing goals and needs of the city, and allow for alternative and flexible housing options in owner-occupied single-family residences. The purposes of the ADU standards of this code are:

- A. Preserve and enhance life safety standards required for residential occupancy through the creation of a regulatory process for accessory dwelling units;
- B. Provide housing options for individuals and families in all stages of life and/or with moderate income who might otherwise have difficulty finding adequate housing within the city;
- C. Provide opportunities to offset rising housing costs and promote reinvestment in existing single-family neighborhoods;
- D. Preserve the character of single-family neighborhoods through adequate standards governing ADUs.

19.XX.020 Definitions.

“Accessory Dwelling Unit (ADU)” means a residential dwelling unit meant for one additional single family located in a separate dwelling unit on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or

in a detached building. A mobile home or other portable structure does not qualify as an ADU. ~~If a second dwelling unit is present on a property, it shall be considered an ADU regardless of the relationship of its occupants to the property owner. A portion of a principal dwelling unit with the characteristics of a separate dwelling unit but not occupied by a second family is exempt from obtaining an ADU permit and from paying a yearly renewal fee, upon completion and recordation of an exemption form.~~

“Attached ADU” means an ADU contained entirely within the footprint of the principal dwelling unit.

“Detached ADU” means an ADU located in an accessory building on the property and not attached to or within the principal dwelling unit

“Dwelling Unit” means a portion of a building designated as the residence of one family or individual with suitable approved provisions for eating, sleeping, cooking, and sanitation.

“Flag lot” means a lot not fronting on or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.

“Owner Occupancy” means a property owner, as reflected in title records, who makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver’s license, county assessor records or similar means for at least 200 days per calendar year.

“Principal Dwelling Unit” means the primary home or dwelling unit on a property. For the purposes of this chapter, the gross floor area of a principal dwelling unit shall

not include unfinished basements, decks, or carports.

“Short-term Rental” means the rental, letting of rooms or sub-leasing/renting of any structure, dwelling or portion thereof for occupancy, dwelling, lodging or sleeping purposes for at least three but not more than 30 consecutive days in duration.

19.XX.030 Where Permitted.

Attached and Detached ADUs are permitted in the city’s R-1 (single-family) and RR (rural residential) zones, following the approval process detailed herein. A license for an ADU is prohibited if there is an active business license and/or conditional use permit for a home occupation with clients on a property. No property shall be approved for both a home occupation with clients and an ADU.

19.XX.040 Approval Process

The approval process for ADUs in the city is as follows:

A. An attached ADU, meeting all provisions of this ordinance, may be allowed as a permitted use upon completion of an ADU application form and payment of applicable fees, property inspection, signed affidavit and any necessary building permits. Permits for attached ADUs shall be renewed on a yearly basis. A portion of a principal dwelling unit with the characteristics of a separate dwelling unit but not occupied by a second family is exempt from obtaining an ADU permit and from paying a yearly renewal fee, upon completion and recordation of an exemption form. Such units are not exempt from complying with all other applicable building permit, zoning code, and building code requirements.

B. A detached ADU is allowed as a conditional use, accompanied by an ADU application form and payment of applicable fees, property inspection, signed affidavit,

any necessary building permits, and any additional requirements deemed necessary by the planning commission, community and economic development director, or his/her designee. Permits for detached ADUs shall be renewed on a yearly basis. A detached structure with the characteristics of a separate dwelling unit but not occupied by a second family is exempt from obtaining an ADU permit and from paying a yearly renewal fee, upon completion and recordation of an exemption form. Such units are not exempt from complying with all other applicable building permit, zoning code, and building code requirements.

C. The property owner applying for an ADU license must provide documentation that he or she has completed acceptable landlord certification prior to issuance of any license. Acceptable landlord certification may be obtained through the Utah Apartment Association or The Good Landlord, and shall be verified by city staff prior to issuance of an ADU license.

19.XX.050 Development Standards.

A. The property owner, including titleholders and contract purchasers, must occupy either the principal dwelling unit or the approved ADU as his or her permanent residence and at no time receive rent for the owner-occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section 19.XX.020 of this chapter;

B. ADUs shall not be allowed as short-term rentals;

C. Only one ADU may be created per lot or property;

D. The design and size of the ADU shall conform to all current applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new ADU is proposed in an existing home, the entire ADU shall be brought up to all minimum

standards, as inspected and approved by city staff;

E. The installation of separate utility meters is prohibited;

F. A separate entrance to an attached ADU shall not be permitted to be constructed in the front yard;

G. All ADUs shall require two (2) off-street parking spaces in addition to required parking for the principal dwelling unit. In no case shall fewer than four (4) total off-street parking stalls be provided for any property with an ADU. Creation of additional off-street parking spaces, excluding previously existing driveways, is prohibited in the front yard of a subject property;

H. All properties with ADUs shall have a minimum of 500 square feet of landscaping in the front yard, consisting of at least two of the following: turf, trees, shrubs, and ground cover; ADUs shall be required to install fencing and/or a landscaping buffer to mitigate the impact of parking areas and ADU entrances from adjoining property owners. Fencing shall be a solid visual barrier and shall comply with applicable fencing requirements. Landscaping shall be designed to obstruct visual impact from adjoining properties. In considering detached ADUs, the planning commission may require additional buffering requirements if it finds that such requirements will mitigate a perceived negative impact created by the ADU;

I. Detached ADUs shall be subject to the following additional development standards:

1. Any detached ADU shall be subject to all primary structure setback standards for the zone in which it is located.

2. Any detached ADU shall meet all accessory building standards for height, lot coverage, rear-yard coverage, size, and any other applicable standards for the zone in which it is located;

3. Any detached ADU on a flag lot shall meet primary structure flag lot setback standards for the zone in which it is located;

4. Conversion of existing accessory buildings to detached ADUs is only permitted if the structure meets or is modified to meet all current city standards and all applicable provisions of this chapter;

5. Any detached ADU shall be a permanent structure. Trailers, mobile homes, and other portable structures shall not be permitted as detached ADUs. The city's building official shall make the determination of whether or not a structure is permanent.

19.XX.060 Affidavit.

All applications for ADUs shall include a notarized affidavit, signed by the property owner of record, stating that said owner of record lives and will continue to live in either the principal dwelling unit or the approved ADU as his or her permanent residence. Prior to final approval of the ADU, the affidavit shall be recorded against the property with the Salt Lake County Recorder. Change in ownership shall not require any additional public hearing, but shall require a new ADU application form, site inspection, and signed affidavit.

19.XX.070 Inspection.

A. Prior to final approval of an attached or detached ADU, all required building permits shall be completed by the applicant and inspected by the city's building inspector to verify that all applicable city standards have been met.

B. If no additional work is proposed, the applicant shall submit a minimum-fee building permit application, accompanied by an inspection by the city's building inspector, to ensure compliance with all applicable city standards.

19.XX.080 Termination.

If the owner of record on a property changes and is not accompanied by a new ADU application, or if the owner of record is no longer permanently residing in the principal dwelling unit, the ADU shall be immediately vacated, and shall no longer be used as an ADU. The city may revoke, or may choose to deny license renewal to any property with unresolved violations of the municipal code that are caused by the operation of an ADU.